

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 21, 2010

DIVISION ONE

B210998 People (Not for Publication)
v.
Henry

The judgment shall be modified to reflect presentence custody credit of 186 days with a 50 percent credit of 93 days of good time and work time, for a total of 279 days. The abstract of judgment shall be corrected to include a \$4,000 restitution fine and a \$4,000 parole revocation fine. As modified the judgment is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

B207755 Lohman
v.
Ephraim

Filed order denying petition for rehearing. Rothschild, J. would grant rehearing or in the alternative publish the opinion.

DIVISION THREE

B207481 Perrymon (Not for Publication)
v.
Bullis, et al.

The judgment is affirmed. Respondent is to bear costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B211656 Tenzera, Inc., et al. (Not for Publication)
v.
Michael & Lonnie Osterman

The order of the trial court vacating the arbitration award is affirmed in part and reversed in part with directions. On remand, the trial court is to confirm the award in favor of the Ostermans as against Tenzera, Inc. as to liability, to vacate the award as to Bruno Tenzera and Ivan Tenzera, and to conduct other proceedings consistent with this opinion. The parties are to pay their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B205947 Bazzini, et al. (Not for Publication)
v.
Technicolor, Inc., et al.

The summary judgment in favor of Technicolor is affirmed. Technicolor is awarded costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B218971 L.A. Metropolitan Transportation Authority (Not for Publication)
v.
Superior Court, Los Angeles County
(Kim, r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to: (1) vacate the order granting plaintiff's application to file a late claim, and (2) dismiss any pending legal action against LACMTA. Costs are awarded to the LACMTA.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B204878 Superior Dispatch, Inc. (Certified for Publication)
v.
Insurance Corporation of New York

The judgment is affirmed. Inscorp is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B207352 People (Not for Publication)
v.
Quincy Jackson, et al.

The Judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B212923 Total Call International, Inc., etc. (Certified for Publication)
v.
Peerless Insurance Company, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B212159 Mnatsakanyan, et al. (Not for Publication)
v.
CalFarm Insurance Company

The judgment is reversed. The case is remanded to the trial court for a new evidentiary hearing on GAM's petition to confirm the arbitration award. The trial court shall determine whether a valid arbitration agreement exists between GAM and CalFarm, and, if so, whether it permits confirmation of the arbitration award in full or only subject to a \$500,000 cap on CalFarm's liability. CalFarm shall recover its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B211968 Steroid Hormone Product Cases (Certified for Publication)

The order denying class certification is reversed. Martinez shall recover his costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B216777 People (Not for Publication)

V.
Smith

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B213488 People (Not for Publication)

V.
Gutierrez

Defendant's assault with a deadly weapon conviction (count three) and first degree burglary conviction (count four) are reversed. Accordingly, the three-year sentence he received for the assault conviction must be stricken. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B217028 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Robert G.

The June 10, 2009 order is reversed as to the denial of reunification services. In all other respects, the order is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B212217 People (Not for Publication)
v.
Ornelas

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B213860 People (Not for Publication)
v.
Young

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B216057 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Rhonda A.

The court's jurisdiction order is reversed. The dispositional order and all subsequent orders are moot.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

DIVISION FIVE

B213777 Jefferson Wells International, Inc. (Not for Publication)
 v.
 American Reprographics Co.

The judgment is affirmed. Any attorney fee request must be pursued pursuant to California Rules of Court, rule 3.1702 (c). Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B212965 Darrell G. Dotson (Not for Publication)
 v.
 Amgen, Inc.

The order is reversed and the matter is remanded to the trial court to enter an order granting Amgen's motion to compel arbitration. Amgen shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B215208 People (Not for Publication)
 v.
 Deering

The trial court shall amend the abstract of judgment to correct the description of the conviction for violation of section 273.5 from "Sodomy by Use of Force" to "Corporal Injury to a Cohabitant," if it has not already done so, and shall forward the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B211365 People
 v.
 Saqueo L. Leal

Filed order denying petition for rehearing.

DIVISION SEVEN

B213467 People (Certified for Publication)
v.
Sok

The sentence imposed in this matter is vacated and the matter is remanded for resentencing. In all other respects the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B211600 People (Not for Publication)
v.
Abeica, et al.

As to Abeica, Isarraras and Negrete, the judgments are modified as to count 2 only by striking the enhancements under section 12022.7, subdivision (a), and section 12022.53, subdivision (d); as to Isarraras, the judgment is further modified as to count 2 only to reflect a consecutive sentence of 20 years for the enhancement under section 12022.53, subdivision (c). Abeica's judgment is modified to specify that the sentence on count 3 is to run concurrently. The clerk of the superior court is directed to prepare corrected abstracts of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgments are affirmed.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

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The judgment of conviction is reversed. On remand the trial court is directed to vacate its order denying Williams's motion to suppress evidence and to enter a new order granting the motion. The trial court is further directed to permit Williams to withdraw his plea of no contest within 30 days after issuance of the remittitur. If Williams does not move to withdraw his plea within that time, the judgment of conviction shall be reinstated.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B209681 People (Not for Publication)
v.
Rush

The judgment is affirmed.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

DIVISION SEVEN (continued)

Each of the following:

B211825 People v. Karaitiana
B216312 DCFS v. L.C.
B217384 DCFS v. J.M.
B203219 People v. Jones
B207526 People v. Dixon
B206399 People v. Peraza

Argument waived, cause submitted.

B212877 LB South & Downey, LLC
 v.
 Sek-Kam Suen

Appearances:

Joseph R. Zamora for appellant and no appearance by counsel for respondent. Argument waived, cause submitted.

B214506 Stella Edwards, et al.
 v.
 Anthony

Appearances:

Gene A. Wilker for respondents and argument previously waived by appellant. Argument waived, cause submitted.

B212339 Arthur V. Sluder
 v.
 Dian L. Rodriguez

Merits:

Argued by Thomas R. Freeman for appellant. Susan Cooley appears for respondent and waives argument. Cause submitted.

DIVISION EIGHT (continued)

B215101 Confidential Report, LLC
 v.
 Paragon Film Group et al.,

Merits:
Argued by Chris Christenson for appellant and by Kenneth S. Ingber for respondents. Cause submitted.

Flier, J. left the bench

B214653 William Mendoza
 v.
 ADP Screening & Selection Services, Inc.,

Merits:
Argued by Craig Kegel for appellant and by Deborah C. Saxe for respondent. Cause submitted.

Court recessed.

Court reconvened 10:36 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B211398 John Porter, et al.
 v.
 Steven Wyner, et al.

Merits:
Argued by Gerald L. Sauer for appellants and by Kyle Kveton for cross-appellants. Cause submitted.

Bigelow, J. left the bench.

DIVISION EIGHT (continued)

B214991 Los Angeles County, D.C.F.S.
 v.
 R.R.
 In re K. R., et al.

Merits:

Argued by Catherine Czar for appellant K.R. et al; by Kate Chandler for appellants G.R. et al; by Kim Nemoy, Deputy County Counsel, for respondent DCFS; and by John Cahill for respondent R.R. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B210503 People
 v.
 Michael Molina

Merits:

Argued by George Schraer for appellant and by Timothy M. Weiner, Deputy Attorney General for respondent. Cause submitted.

B210392 Michelle Crocker
 v.
 Jaguar Land Rover North America, LLC

Merits:

Argued by Brian Takahashi for appellant and by Rene Korper for respondent. Cause submitted.

DIVISION EIGHT (continued)

B204350 Avina
B205705 v.
 John M. Gerro

Merits:
Argued by Sal Avina, appellant, appearing in propria persona and by
Patricia Venegas for respondent. Cause submitted.

Rubin, Acting P.J. left the bench.

B213773 Connie Pan-Yu
 v.
 Jing-Jiang Ni

Merits:
Argued by James Cai for appellant and by Malcolm McNeill for
respondent. Cause submitted.

Rubin, Acting P.J. resumed the bench.

Flier, J. left the bench.

B213300 Pardee Homes
 v.
 Pacsun, LLC

Merits:
Argued by Edward A. Galloway for appellant and by Charles L. Birke for
respondent. Cause submitted.

B212336 Platino Records, et al.
 v.
 Univision Music, LLC

Oral argument continued to March 4, 2010 at 1:00 p.m.

DIVISION EIGHT (continued)

B207480 People v. Gibson

Oral argument continued to March 4, 2010 at 10:30 a.m.

Court adjourned

B208285 Sanchez, et al. (Not for Publication)
v.
PHDC, et al.

The purported appeals from the order granting the motion to quash, the order sustaining Teresa Torre's demurrer and the order dismissing the action are dismissed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.